



Adopted in House Comm. on Mar 04, 2004

09300HB5215ham001

LRB093 17860 LRD 48160 a

1 AMENDMENT TO HOUSE BILL 5215

2 AMENDMENT NO. _____. Amend House Bill 5215 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 29-6.4 as follows:

6 (105 ILCS 5/29-6.4)

7 Sec. 29-6.4. Non-contract transportation; bids;
8 reimbursement. A school board of a school district that
9 provides transportation of its pupils to and from school on
10 buses that are owned by the district that are operated by
11 drivers who are employed by the district shall, if it receives
12 a timely request from an interested private school bus
13 contractor that the district provide that transportation under
14 contract, solicit sealed bids for that purpose. A district or
15 special education cooperative is not required to respond to
16 such a request more than once every 3 years. ~~For purposes of~~
17 ~~this Section,~~ A ~~a~~ request shall not be considered timely if
18 ~~unless~~ it is made ~~in writing by certified mail, return receipt~~
19 ~~requested, addressed to the school board of the district at the~~
20 ~~administrative offices or any school of the district,~~
21 ~~postmarked not~~ more than 24 months or ~~not~~ less than 3 months
22 before the expiration of the collective bargaining or other
23 agreement that is in effect at the time the request is made and
24 that governs the terms and conditions of employment of the

1 school bus drivers employed by the district. All requests shall
2 be made in writing by certified mail, return receipt requested,
3 addressed to the school board of the district at the
4 administrative offices or any school of the district. At the
5 conclusion of the bidding process, the school board shall
6 publicly announce the district's fully allocated costs of
7 providing transportation of its pupils to and from school under
8 its present system and thereupon may (i) elect to enter into a
9 contract as provided in Section 29-6.1 with the lowest
10 responsible bidder for transportation of the district's pupils
11 to and from school or (ii) elect to continue providing
12 transportation of its pupils to and from school under its
13 present system. In the event the school board elects to
14 continue providing transportation of the district's pupils to
15 and from school under its present system even though the
16 district's fully allocated costs of doing so exceed the amount
17 of the lowest responsible bid received by the school board for
18 transportation of the district's pupils to and from school, the
19 school board shall publicly announce at a regularly scheduled
20 meeting of the board held within 30 days after making its
21 election to continue providing pupil transportation under its
22 present system (i) the fully allocated costs of providing
23 transportation of the district's pupils to and from school
24 under its present system, and (ii) the amount of each of the
25 sealed bids submitted to the school board, identifying which of
26 the sealed bid amounts was the lowest responsible bid.

27 As used in this Section the term "fully allocated costs"
28 includes both the fixed and variable direct costs of the labor,
29 capital, and material resources that are used by the school
30 district exclusively for purposes of providing transportation
31 of the district's pupils to and from school plus that portion
32 of the district's shared costs as is fairly allocable to the
33 products, services, and facilities necessary to provide
34 transportation of the district's pupils to and from school.

1 Direct costs of labor, capital, and material resources used
2 exclusively to provide pupil transportation include the wages,
3 payroll costs, and associated fringe benefits of school bus
4 drivers, mechanics, and any supervisory or administrative
5 personnel whose services relate exclusively to pupil
6 transportation personnel or services, fuel, lubricants, tires,
7 tubes, related material costs incurred in providing pupil
8 transportation, depreciation costs associated with school
9 buses and other vehicles, including spare vehicles, used to
10 provide pupil transportation, and costs of facilities and
11 equipment maintained exclusively to service, garage, or park
12 vehicles used for pupil transportation purposes. "Shared
13 costs" means the aggregate cost of the labor, capital, and
14 material resources that are used in common by the district for
15 a multiplicity of purposes, including the purpose of providing
16 transportation of the district's pupils to and from school. The
17 costs of the management, administration, and underlying
18 infrastructure that support a multiplicity of services
19 provided by the school district (including pupil
20 transportation services) constitute shared costs within the
21 meaning of this Section, and to the extent they are fairly
22 allocable to pupil transportation services they are included
23 within the term fully allocated costs as used in this Section.
24 The State Board of Education shall promulgate rules setting
25 forth the manner in which a district's fully allocated costs of
26 providing transportation of its pupils to and from school under
27 a non-contractual system shall be determined and computed for
28 purposes of this Section. However, those rules shall be
29 consistent with the provisions of this paragraph and shall
30 follow recognized principles of fully allocated costing
31 analysis in the transit industry, including generally accepted
32 methods of identifying and estimating the principal cost
33 elements of maintaining and operating a pupil transportation
34 system.

1 (Source: P.A. 89-151, eff. 1-1-96; 89-626, eff. 8-9-96.)".